

II. REMARKS

A. STATUS SUMMARY

Claims 1 – 25 are pending in the present application. Claims 1 – 9 and 13 – 25 are rejected. Claims 10 – 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1 and 25 have been amended and claims 26 – 30 have been added, as set forth above in section I of this paper.

A telephonic interview transpired on October 6, 2004, between Applicants' representative, attorney David Gloekler, and the Examiner, as summarized in the Interview Summary mailed October 14, 2004. During the interview, independent claim 1 and reference U.S. Patent No. 4,841,102 ("the '102 Patent") were discussed. Applicants' representative argued that the '102 Patent fails to teach structure suitable for creating an air seal system for a loudspeaker. Moreover, Applicants' representative argued that the terms "baffle board" and "gasket," as originally presented in claim 1, have generally understood meanings and that the '102 Patent does not teach structural features consistent with those meanings. Further details of Applicants' position are provided below.

B. CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1 – 3, 5 – 9, and 13 – 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,841,102 (“the ‘102 Patent”). Applicants respectfully traverse the rejection because, as to each rejected claim, the ‘102 Patent fails to teach each and every element or feature recited in the claim.

Independent claim 1 is directed to “An air seal system for a loudspeaker.” As originally presented, claim 1 recites “a baffle board” and “a cord gasket.” The ‘102 Patent in no manner teaches such features, but rather teaches a housing for electronic circuitry that includes an electrically conductive body for shielding electromagnetic radiation. Moreover, claim 1 has been amended to further recite the interaction between the baffle board and the cord gasket. Specifically, claim 1 recites “a cord gasket forming an air seal with the baffle board.” The invention recited in claim 1 addresses the challenges of providing an air seal system for a loudspeaker, as described in Applicants’ specification. The structure taught by the ‘102 Patent does not and cannot address these challenges.

As evident from the specification of the subject application (*see*, for instance, p. 1) the term “baffle board” is widely understood in the art of loudspeakers as referring to a structure that contains and/or guides sound energy, often in conjunction with a housing to which the baffle board is attached. Moreover, the “baffle board” typically supports one or more loudspeaker components that transfer sound energy from a space inside of the baffle board to a space outside of the baffle board. By way of example, the term “baffle board” is defined at dictionary.com (dictionary.reference.com), rhymezone.com, and

lookwayup.com as “a flat plate that controls or directs the flow of fluid or energy.” Although the “baffle board” recited in claim 1 is not limited to being a flat plate, it does control or direct sound energy, and at least to that extent is consistent with these dictionary definitions.

The term “gasket” is generally understood to mean a structure that acts as a seal for a fluid. For instance, the “gasket” is defined at Merriam-Webster Online (m-w.com) as “a material (as rubber) or a member (as an O-ring) used to make a joint fluid-tight,” at msn Encarta (encarta.msn.com) as “a piece of material such as rubber, used to render a joint impermeable to gas or liquid,” and wordsmyth.net as “any of numerous rings, seals, or the like used to make a joint watertight or airtight, as in a pipe or a machine.” Although the “gasket” recited in claim 1 is not limited to being rubber or an O-ring, it does create an airtight or air-impermeable condition, and at least to that extent is consistent with these dictionary definitions.

By contrast, the ‘102 Patent does not teach, explicitly or implicitly, a “baffle board” or a “cord gasket” in any context, loudspeaker or otherwise. The ‘102 Patent teaches enclosing an electronic circuit within a housing, and providing a wire-shaped shield in a groove of the housing to isolate electromagnetic radiation emanating from the circuit. The ‘102 Patent does not teach that its housing or any other structure could be employed as a baffle board. In addition, the ‘102 Patent expressly describes its shield as requiring electrically conductive components arranged into a “wire texture” (e.g., braided metal) in order to conduct electricity and thereby serve the shielding function. Applicants’ respectfully submit that braided metal would not be suitable for preventing or reducing air

infiltration. For example, a “texture” or braiding would exhibit an uneven surface and/or interstices that would allow air flow. Moreover, an electrically conductive material such as metal is plastically deformable (as opposed to being elastic, compressible, resilient, etc.) and thus would provide opportunities for air pathways. *See* the ‘102 Patent at col. 2, lines 25-32 (“A strand of conductive gauze wire is disposed as a shielding body in this groove . . . consisting of electrically conductive material through the shielding body”); col. 2, lines 35-37 (“The shielding body . . . consists of a strand of wire texture or of a strand of soft elastic material coated with a hose of wire texture”). The “wire texture” or braided metal component actually renders the shield body inelastic and thus unsuited for functioning as a gasket. For example, the ‘102 Patent describes the ability to “kink” (i.e., a permanent or plastic manipulation) their shield body. *See generally* the ‘102 Patent at col. 2, lines 47-68.

Claims 2 – 14 and 25 depend or ultimately depend from claim 1, and therefore are distinguishable at least for the same reasons.

Independent claim 15 is directed to “an air seal system for a loudspeaker”. Claim 15 as originally filed recites “means for creating an airtight seal between the baffle board and the housing”. As discussed above, the ‘102 Patent fails to teach how to seal any type of structure to prevent air flow.

Claims 16 – 24 depend or ultimately depend from claim 15, and therefore are distinguishable at least for the same reasons.

In view of the foregoing, Applicants respectfully submit that claims 1 – 3, 5 – 9, and 13 – 25 are patentable under 35 U.S.C. § 102(b) over the ‘102 Patent, and therefore requests that the rejection to claims 1 – 3, 5 – 9, and 13 – 25 be withdrawn.

C. CLAIM REJECTIONS - 35 U.S.C. § 103

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the '102 Patent in view of cited case law. Claim 4 ultimately depends from claim 1, which for the reasons stated above is allowable. Thus, Applicants respectfully submit that claim 4 is patentable as depending from an allowable claim 1.

In view of the foregoing, Applicants respectfully submit that claim 4 is patentable over the '102 Patent under 35 U.S.C. § 103(a).

E. NEW CLAIMS 26 – 30

New claims 26 – 30 have been added and are believed to be patentable over the prior art of record for the following reasons.

It will be noted that pending claims 10 – 12 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claim 26 is an independent claim including all of the limitations of claims 1, 8, and 10, and therefore should be allowable. New claim 27 recites the same features as claim 9 and should be allowable as depending from claim 26. New claim 28 recites the same features as claim 11 and should be allowable as depending from claim 26. New claim 29 is an independent claim including all of the limitations of claims 1, 8, and 12, and therefore should be allowable. New claim 30 recites the same features as claim 9 and should be allowable as depending from claim 29.

New claims 26 – 30 are believed to be fully supported throughout the specification as originally filed. Accordingly, no new matter is believed to have been added.

In view of the foregoing, Applicants respectfully request entry and allowance of claims 26 – 30.

III. CONCLUSION

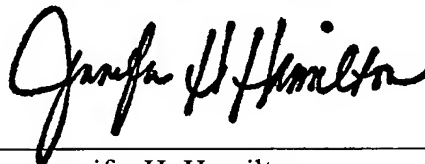
In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

The Commissioner is hereby authorized to charge any additional fees which may be required for this response, or to credit any overpayment, to Deposit Account No. **50-2542**.

Respectfully submitted,

THE ECLIPSE GROUP



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